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July 28, 1997

Mr. William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

In re: CC Docket 94-102  
Ex Parte Communication

Dear Mr. Caton:

Pursuant to the Commission's Public Notice DA 97-1502 (July 16, 1997), XYPOINT Corporation ("XYPOINT") submits these additional comments for inclusion in the record in the above-captioned proceeding with regard to *ex parte* presentations made by the Wireless E911 Coalition, GTE Wireless and the Ad Hoc Alliance for Public Access to 911.

The responses of the above-listed parties to questions posed by the Wireless Bureau were intended to "...assist the Commission in determining whether to revise Section 20.18(b) of the Commission's Rules, requiring covered carriers to transmit 911 calls which include a Code Identification without validation of the call, and process all 911 calls (regardless of whether a Code Identification is included as part of the call transmission) where requested by the administrator of the designated Public Safety Answering Point."

XYPOINT is aware that there are technical problems with regard to implementation of the rules related to transmission of calls which include a Code Identification without validation and processing of all calls regardless of a Code Identification where requested by the PSAP just as there are with regard to the wireless E911 rules governing TTYs. In fact, to the extent that technical problems with regard to the transmission of non-Code-Identified wireless 911 calls and TTY calls can not be overcome by the applicable basic and/or Phase I deadlines, XYPOINT asserts that the Commission should consider extending the deadlines *only* for those types of calls for a period not to exceed 12 months.

The same is clearly not true for all other wireless 911 calls which represent the overwhelming majority of wireless 911 calls placed today. XYPOINT is on record in

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this proceeding as urging the Commission not to delay the Phase I rules since these rules are critical to the promotion of the public welfare and because there are companies who are capable of providing services to enable wireless carriers to meet their Phase I obligations. In fact, today, XYPOINT offers a nationwide service which fully complies with the requirements of the Phase I rules set forth in Section 20.18(d).

In their ex parte responses to the Commission's questions, neither the Wireless 911 Coalition, GTE Wireless nor the Ad Hoc Alliance advised the Commission that Phase I should be delayed insofar as Code-Identified calls are concerned. The Ad Hoc Alliance asserted that it does not believe additional time is required to successfully implement Phase I requirements. GTE Wireless indicated that "some parts [of the Phase I requirements] can be implemented without additional time." Presumably, the parts that can be implemented are the majority of wireless 911 calls which are not associated with the technical problems of non-Code Identification. The Wireless 911 Coalition stated that if the Commission "...were to abandon the concept of PSAP choice and the use of code-identified to define a category of calls that might be sent to a PSAP, the additional time requirement, if any, would be minimal." XYPOINT agrees with these assertions.

With regard to call back by a PSAP in response to question 5, the Wireless 911 Coalition stated that its response "...is based on the assumption that any necessary upgrades or enhancements required in the LEC and PSAPs systems have been made" and "...the LEC must be capable of transmitting the information and the PSAP must be capable of receiving the information." The response appears to be a reference to a Feature Group D ("FGD") solution to meeting the requirements of Phase I. It must be kept in mind that a FGD solution is only one solution to meeting the Phase I requirements. XYPOINT agrees that under a FGD solution, LECs and PSAPs will have to make significant and costly upgrades to their networks and/or systems in order to be capable of transmitting and receiving the information. These equipment upgrades primarily address Phase I requirements. Thus, in a FGD solution, new equipment will likely still be required to meet Phase II requirements.

The Commission should not lose sight of the fact that other solutions do not require LECs, PSAPs or carriers to make significant upgrades to their systems to comply with Phase I requirements. In fact, XYPOINT's non-call path solution does not require a substantial investment in equipment for the CMRS carriers who have the affirmative obligation to deliver the required data to the PSAP; does not require a substantial investment in LEC facilities (i.e., replacement of the CAMA interface); and does not require a substantial investment by PSAPs to be able to receive data from a wireless carrier in usable form. With the XYPOINT solution to Phase I implementation, the 85%


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of PSAPs nationally (covering an overwhelming majority of the population) which are currently capable of receiving E911 wireline information, are also capable of receiving the same information from a wireless E911 call.

In conclusion, XYPOINT believes that at this time the Code Identification, PSAP choice and TTY issues are serving as substantive obstacles to the widespread, systematic deployment of wireless E911 services across the nation. Rather than mandate those controversial elements of the Phase I rules now, the FCC should postpone the effective date for these sections for a short time so the basic provisions of Phase I requirements (i.e., carrier transmission of 10 digit ANI and cell site or cell sector-based ALI for validated users) can be implemented at the earliest possible time.

Very truly yours,

XYPOINT Corporation

  
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David C. Jatlow  
Its Attorney

cc: Mr. Dan Phythyon  
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